

FILED

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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN 2011-2502

**LUIZ CARLOS CHACON,
a.k.a. LUIS CARLOS CHACON**
1012 1/4 Indiana Street
Los Angeles, CA 90023

A C C U S A T I O N

Vocational Nurse License No. VN 241982

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about May 14, 2009, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 241982 to Luiz Carlos Chacon also known as, Luis Carlos Chacon (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

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“(4) Abstaining from chemical/substance abuse.”

“(c) A violation of this section constitutes unprofessional conduct for purposes of instituting disciplinary action.”

10. California Code of Regulations, title 16, section 2521, states:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

11. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

12. Respondent is subject to disciplinary action under section 2878, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 2521, in that Respondent has been convicted of crimes substantially related to the qualifications, functions or duties of a licensed vocational nurse, as follows:

a. On or about June 8, 2012, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Santa Fe Springs Municipal section 130.07, subdivision (b) [public urination] in the criminal proceeding entitled *The People of the State of California v. Luiz Carlos Chacon* (Super. Ct. Los Angeles County, 2012, No. 2WW01967). The Court placed

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1 Respondent on 6 months probation, with terms and conditions. The circumstances surrounding
2 the conviction are that on or about April 4, 2012, Respondent urinated in a public place.

3 b. On or about March 21, 2012, after pleading nolo contendere, Respondent was
4 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
5 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
6 proceeding entitled *The People of the State of California v. Luiz Carlos Chacon* (Super. Ct. Los
7 Angeles County, 2012, No. 2EA01023). The Court sentenced Respondent to serve 96 hours in
8 Los Angeles County Jail and placed him on 36 months probation, with terms and conditions. The
9 circumstances surrounding the conviction are that on or about November 30, 2011, during a
10 traffic stop by the California Highway Patrol Department, Respondent was contacted.
11 Respondent was found to have been weaving from side to side. While speaking to Respondent, a
12 strong odor of an alcoholic beverage was detected. Respondent was observed to have red, watery
13 eyes and slurred speech. Respondent admitted to drinking 3 1/2 bottles of Newcastle beer earlier
14 that evening. While at the scene, Respondent submitted to a Preliminary Alcohol Screening Test
15 (PAS) that resulted in a breath-alcohol content level of 0.151% on the first reading and 0.153%
16 on the second.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Dangerous Use of Alcohol)**

19 13. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
20 defined in section 2878.5, subdivision (b), in that, Respondent used alcoholic beverages to an
21 extent or in a manner dangerous or injurious to himself, any person, or the public. Complainant
22 refers to, and by this reference incorporates, the allegations set forth above in paragraph 12,
23 subparagraph (b), as though set forth fully.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Conviction Involving the Consumption of Alcohol)**

26 14. Respondent is subject to disciplinary action pursuant to section 2878, subdivision (a),
27 as defined in section 2878.5, subdivision (c), in that, Respondent was convicted of a crime

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1 involving the consumption of alcohol. Complainant refers to and by this reference incorporates,
2 the allegations set forth above in paragraph 12, subparagraph (b), as though set forth fully.

3 **DISCIPLINARY CONSIDERATION**

4 15. In order to determine the degree of discipline, if any to be imposed on Respondent,
5 Complainant alleges, as follows:

6 a. On or about March 24, 2010, the Board issued a Notice of Warning to Respondent.

7 b. On or about January 19, 2010, after pleading guilty, Respondent was convicted of
8 one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while
9 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The*
10 *People of the State of California v. Luis Carlos Chacon* (Super. Ct. Los Angeles County, 2010,
11 No. 0JB00511). The Court placed Respondent on 3 years probation, with terms and conditions.
12 The circumstances surrounding the conviction are that on or about November 21, 2009, during an
13 investigation by the California Highway Patrol Department, Respondent was contacted. While
14 speaking to Respondent, the officer detected an odor an alcoholic beverage emitting from his
15 person. He was observed to have bloodshot, watery eyes and his speech was slurred, mumbled,
16 and slow. Respondent was subsequently arrested for violating Vehicle code section 23152,
17 subdivision (a) [driving under the influence of alcohol or drugs] and Vehicle code section 23152,
18 subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his blood]. During
19 the booking procedure, Respondent submitted to a blood test that resulted in a blood-alcohol
20 content level of 0.15%.

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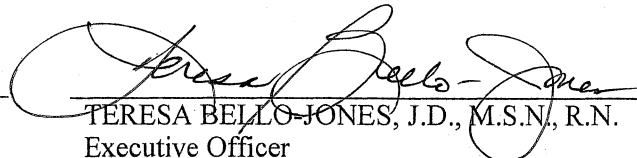
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 241982, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: DEC 11 2012



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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